

**MEDICAL LICENSING BOARD OF INDIANA  
INDIANA GOVERNMENT CENTER SOUTH  
402 WEST WASHINGTON STREET  
ROOM W064  
INDIANAPOLIS, INDIANA 46204**

**MINUTES OF AUGUST 25, 2011**

Stephen Huddleston, J.D., President called the meeting to order at 8:35 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer  
Member, President  
Kirk Masten, D.O.  
Robert Allen, M.D.  
Lynda Smirz, M.D.  
Donald Vennekotter, M.D., Secretary

Members Absent: Worthe Holt, Jr., M.D.  
Bharat Barai, M.D., Vice President

Staff Present: Kristen Kelley, Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
James Schmidt, Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Allen/Vennekotter, 4/0/0  
Motion carries

The Board voted to adopt the minutes of the July 28, 2011 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Masten/Allen, 4/0/0  
Motion carries

## **PERSONAL APPEARANCES**

The following were continued:

**Douglas Bruns, M.D.**  
**Joseph Carver, M.D.**  
**Jeffrey Stambough, M.D.**  
**Michael Yuz, M.D.**

The following failed to appear:

**Dominic Maga, D.O.**  
**Carol Hammerbeck, M.D.**  
**David Blocker, M.D.**  
**Sushil Sheth, M.D.**  
**Margo Roca, M.D.**  
**J. Romaine Roberts, M.D.**  
**Abeed Alshahrour, M.D.**  
**Mahendra Mahajan, M.D.**

The following appeared before the full Board for personal appearances and were sworn in under oath:

**Rodney Anderson, D.O., License No. 02000697A** – Dr. Anderson appeared before the Board regarding a positive response on his renewal application and was represented by counsel Jerry Bonet.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has already been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Anderson to continue to practice while the AG's office investigates this matter.

Allen/Masten, 5/0/0  
Motion carries

**Jaswinder Chhibber, M.D., License No. 01060163A** – Dr. Chhibber appeared before the Board regarding positive responses on his renewal application and was represented by counsel, Barclay Wong.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has already been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Chhibber to continue to practice while the AG's office investigates this matter

Allen/Masten, 5/0/0  
Motion carries

**Gerald Gray, D.O., License No. 02000256A** – Dr. Gray appeared before the Board regarding documentation received by the Board on his renewal application and was represented by counsel, John Brinson.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this physician.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Gray to continue to practice while the AG's office investigates this matter.

Smirz/Allen, 5/0/0  
Motion carries

**Carolyn Greer, M.D., License No. 01047242A** – Dr. Greer appeared before the Board regarding a positive response on her renewal application and was represented by counsel, Mary Watts.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to Practice While Being Reviewed" allowing Dr. Greer to continue to practice while the AG's office investigates this matter.

Allen/Masten, 5/0/0  
Motion carries

**Charles Heinsen, M.D., License No. 01021497A** – Dr. Heinsen appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Sherri Fabina-Abney.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Greer to continue to practice while the AG's office investigates this matter.

Allen/Masten, 5/0/0  
Motion carries

**Raymond Mathis, D.O., License No. 02000762A** – Dr. Mathis appeared before the Board regarding positive responses on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). Dr. Mathis submitted his renewal after his license had expired therefore he is not eligible for the valid to

practice status. His license will remain expired while the AG's office investigates this matter.

Allen/Masten, 5/0/0  
Motion carries

**Rameshial Rawlani, M.D., License No. 01048331A** – Dr. Rawlani appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Ronald Elberger.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr. Rawlani is a physician at a psychiatric facility. A patient was injuring herself by banging her head against a wall and biting herself. She was already in restraints. Dr. Rawlani put his hand on the patient to keep her from injuring herself further. The facility has a no tolerance policy on anyone that violates their police 4.201, restraint and seclusion. The facility did not consider this abuse, but he did violate the policy.

His evaluations have always been exceptional.

He has not had any other disciplinary action.

After discussion, the Board moved to APPROVE Dr. Rawlani's request for license renewal.

Allen/Smirz, 5/0/0  
Motion carries

**Bernardo Saavedra, M.D., License No. 01021329A** – Dr. Saavedra appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr Saavedra stated that he gave Suboxone to a patient and he forgot to document this on the patients chart. He stated that DEA disciplined his registration for one error.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). Dr. Saavedra submitted his renewal after his license had expired therefore he is not eligible for the valid to

practice status. His license will remain expired while the AG's office investigates this matter.

Allen/Smirz, 5/0/0  
Motion carries

**Steven Svabek, D.O., License No. 02002210A** – Dr. Svabek appeared before the Board regarding positive responses on his renewal application and was represented by counsel, David Jose.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Steven Huddleston recused himself from this matter.

Lynda Smirz, M.D. recused herself from this matter.

Since Mr. Huddleston and Dr. Smirz recused themselves, that left only three (3) board members to participate in this matter. Since a quorum was not established, this matter was CONTINUED to the September meeting.

#### CONSENSUS

**Archana Thota, M.D., License No. 01062642A** – Dr. Thota appeared before the Board regarding documentation received by the Board and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr. Thota's Texas license was disciplined on June 4, 2010 with terms and conditions. Dr. Thota did not report this on her Indiana renewal application.

After discussion the Board moved to APPROVE Dr. Thota's request for license renewal.

Allen/Vennekotter, 5/0/0  
Motion carries

After further discussion the Board moved to issue a \$1,000 CITATION for renewal fraud.

Smirz/Masten, 5/0/0  
Motion carries

**James Vandivier, M.D., License No. 01019502A** – Dr. Vandivier appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr. Vandivier indicated to the Board that he retired from practice in October 2010. He stated that he would like to withdraw his request for renewal and retire his license.

After discussion the Board moved to APPROVE Dr. Vandivier's request to WITHDRAW his license renewal and place his license on RETIRED status.

Allen/Vennekotter, 5/0/0  
Motion carries

**Joyce Zagursky, M.D., License No. 01061310A** – Dr. Zagursky appeared before the Board regarding a positive response on her renewal application and was represented by counsel, David Jose.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to Practice While Being Reviewed" allowing Dr. Zagursky to continue to practice while the AG's office investigates this matter.

Smirz/Masten, 5/0/0  
Motion carries

**Naveed Fazlani, M.D., License # 01043529A** – Dr. Fazlani appeared before the Board regarding positive responses on his renewal application and was represented by counsel, Barclay Wong.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr. Fazlani has two (2) misdemeanor charges in Dayton, Ohio. He pled no contest and was required to take educational classes and pay a fine.

Since January 2011, he has been under the treatment of a psychologist.

The Ohio Medical Board is still investigating this matter.

After discussion the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Fazlani to continue to practice while the AG's office investigates this matter.

Allen/Masten, 4/1/0, with Dr. Barai abstaining  
Motion carries

**Ronald Hamm, M.D., License No. 01064520A** – Dr. Hamm appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Hamm to continue to practice while the AG's office investigates this matter.

Smirz/Masten, 5/0/0  
Motion carries

**Philip Johnson, M.D., License No. 01023461A** – Dr. Johnson appeared before the Board regarding documentation received by the Board on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Johnson to continue to practice while the AG's office investigates this matter.

Smirz/Masten, 5/0/0  
Motion carries



**Daniel Kantz, D.O., License No. 02002542A** – Dr. Kantz appeared before the Board regarding documentation received by the Board regarding his renewal application and was represented by counsel, Scott Waters.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Kantz to continue to practice while the AG's office investigates this matter.

Masten/Allen, 5/0/0  
Motion carries

**Roger Piatek, M.D., License No. 01036946A** – Dr. Piatek appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Blake Griese.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

During a domestic dispute he was arrested after his wife called the local police. He entered into a pre-trial diversion which included, among other terms, that he successfully complete Anger Management & Domestic Battery classes. He stated he also paid a fine and was required to attend counseling sessions.

A letter from his counselor, Mark Smith, LCSW, indicated that he has been making good progress.

After discussion, the Board moved to APPROVE Dr. Piatek's request for license renewal.

Allen/Smirz, 5/0/0  
Motion carries

**Anna Willard, M.D., License No. 01062895A** – Dr. Willard appeared before the Board regarding a positive response on her renewal application and was represented by counsel, James Voyles.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Fred Frick, M.D., Indiana State Medical Association was sworn in as a witness.

Dr. Willard ceased her practice of medicine on April 25, 2011, as she went in for surgery.

She was arrested on May 23, 2011 and May 26, 2011 for Operating While Intoxicated.

Dr. Frick testified that on July 26, 2011, Dr. Willard signed a two (2) year monitoring contact with ISMA. He indicated that there was not a diagnosis of addiction; but advarent intoxication/reaction to one or more substances.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to Practice While Being Reviewed" allowing Dr. Willard to continue to practice while the AG's office investigates this matter.

Smirz/Allen, 5/0/0  
Motion carries

**Gary Wright, M.D., License No. 01027589A** – Dr. Wright appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Dennis Zahn.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Wright to continue to practice while the AG's office investigates this matter.

Allen/Masten, 5/0/0  
Motion carries

**Mehmet Akaydin, M.D., License No. 01049539A** – Dr. Akaydin appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Akaydin to continue to practice while the AG's office investigates this matter.

Smirz/Allen, 5/0/0  
Motion carries

**Betty Campbell, M.D., License No. 01026509A** – Dr. Campbell appeared before the Board regarding documentation received by the Board regarding her renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

The Attorney General's Office notified the Board that they closed the complaint filed against Dr. Campbell due to no violation.

Dr. Campbell informed the Board that she was in the process of obtaining malpractice insurance through a company in California.

After discussion the Board moved to APPROVE Dr. Campbell's request for license renewal.

Allen/Vennekotter, 5/0/0  
Motion carries

**Joshua Eskonen, D.O., License No. 02002967A** – Dr. Eskonen appeared before the Board regarding a positive response on his renewal application and was represented by Peter Pogue.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr. Eskonen had a malpractice suit that was settled at \$1,062,001.00. He indicated to the Board that the patient did not follow up with his family physician as he was instructed.

He no longer sees patients as he now works as a medical consultant.

After discussion, the Board moved to APPROVE Dr. Eskonen's request for license renewal.

Allen/Vennekotter, 5/0/0  
Motion carries

**Abdus Lakhani, M.D., License No. 01044934A** – Dr. Lakhani appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Tom Farlow.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Lakhani to continue to practice while the AG's office investigates this matter.

Masten/Vennekotter, 5/0/0  
Motion carries

**Murat Polar, M.D., License No. 01052051A** – Dr. Polar appeared before the Board regarding documentation received by the Board regarding his renewal application and was represented by counsel, Peter Pogue.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A complaint has been filed with the Attorney General's Office regarding this matter.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to Practice While Being Reviewed" allowing Dr. Polar to continue to practice while the AG's office investigates this matter.

Masten/Smirz, 5/0/0  
Motion carries

**Mouhab Aljajeh, M.D., Initial Application** – Dr. Aljajeh appeared before the Board regarding a waiver of the ten (10) year USMLE rule and the requirement that post graduate training must be ACGME accredited. He was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A representative with Ohio Valley Eye Institute appeared on his behalf.

After discussion, the Board moved to CONTINUE this matter for additional information.

Allen/Masten, 5/0/0  
Motion carries

**Madonna Biritwum, M.D., Initial Application** – Dr. Biritwum appeared before the Board regarding a waiver of the ten (10) year USMLE rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

844 IAC 4-4.5-12 Passing requirements for USMLE

(3) All steps of the USMLE must be taken and successfully passed within a ten (10) year period begins when the applicant first passes a step, previous attempts on the National Board Medical Examination and the examination of the Federation of State Medical Boards of the US are included.

Dr. Biritwum took 11 years and 5 months to pass all three (3) steps of the USMLE.

Dr. Greg Johnson, CEO, Parkview Hospital appeared on behalf of Dr. Biritwum.

After discussion, the Board moved to GRANT the waiver of the ten (10) year rule based upon the following:

- Appearance of Dr. Greg Johnson, CEO, Parkview Hospital on behalf of Dr. Biritwum.
- Three (3) year employment contract with Fort Wayne Health Care Systems serving the indigent and Burmese population which is considered to have refugee status.
- Parkview Hospital/Ft Wayne Health Care Systems has been struggling to add physicians that are infectious disease specialists. In 2008, they had none on staff; they have since hired three (3) and need six (6) more.
- Dr. Biritwum has special skills in infectious diseases
- He is Board certified in Internal Medicine
- He is Board eligible for Infectious Diseases
- Passed all three (3) steps of the USMLE on the first attempt
- Has a special certification in treatment of HIV patients
- Has an active New York license

- Letters of Reference from:
  1. Gregory Larkin, M.D., State Health Commissioner, Indiana State Department of Health
  2. Christine Hay, M.D., Program Director, Fellowship Program, University of Rochester, Infectious Diseases
  3. Oladipo Alao, M.D., MPH, Associate Medical Director, Partnership in Care Program, MetroPlus Health Plan
  4. Amneris Luque, M.D., Associate Professor of Medicine/Infectious Diseases, Director ID Outpatient Clinic, University of Rochester Medical Center
  5. Samuel Essandoh, M.D., Attending Physician department of Hospital medicine and Medical Hospice Director, Marshfield Clinic WI
  6. William Bonnez, M.D., Associate Professor of Medicine, University of Rochester Medical Center
- Fort Wayne Health Care Systems agrees to send a yearly report on Dr. Biritwum's compliance with her contract.
- If Dr. Biritwum does not complete the three (3) year employment contract the waiver is void.

Smirz/Allen, 5/0/0  
Motion carries

**Tuere Franklin, M.D., Initial Application** – Dr. Franklin appeared before the Board regarding positive responses on her initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Candace Backer, ISMA was sworn in as a witness.

Following surgery, Dr. Franklin became dependent on pain medication and began writing prescriptions, in the name of a friend but using them for herself.

In 2009, she joined Committee for Physician's Health (CPH), which is the New York monitoring program and has been remained in compliance.

Ms. Backer testified that she has received a report from CPH and that Dr. Franklin is in compliance and upon Dr. Franklin's move to Indiana, ISMA will take over the monitoring of her.

After discussion, the Board moved to APPROVE Dr. Franklins request for licensure.

Smirz/Allen, 5/0/0  
Motion carries

**Howard Hack, M.D., Initial Application** – Dr. Hack appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Dr. Hack still has a pending investigation in the State of Nevada.

After discussion, the Board moved to CONTINUE this matter for up to sixty (60) days to allow for Dr. Hack to clear up the Nevada situation.

Smirz/Allen, 5/0/0  
Motion carries

**Justin Smith, M.D., Initial Application** – Dr. Smith appeared before the Board regarding a positive response on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

August 31, 2002, Dr. Smith was charged with an OWI. His BAC was .14

After discussion the Board moved to APPROVE Dr. Smith's request for licensure.

Allen/Masten, 5/0/0  
Motion carries

### **ADMINISTRATIVE HEARINGS**

The following hearing was continued:

**Hesham K. Khalfan, M.D., License No. 01060055A, Cause No. 2011 MLB 0031**

**Richard Carr, M.D., License No. 01057827A, Cause No. 2009 MLB 0006**

Respondent did appear in person and was not represented by counsel regarding a Request to Modify the Order of Probation and Application for Renewal of Medical License scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

Candace Backer, ISMA was sworn in as a witness.

In December, Dr. Carr took some samples of a drug he had previously been on and then reported it to his psychiatrist about three (3) weeks later.

Candace indicated that they have discussed the incident above with Dr. Carr and feels he is clear on what will happen if he self medicates or violates his probation again.

Candace also indicated that they are in support of his modification request.

Dr. Carr is requesting modification of the following term of his probationary order: 3(b) Respondent shall not practice medicine anywhere other than the Michigan City Health Partners in an urgent care setting.

He is requesting to now practice with Wound Professionals LLC as it would be less stressful.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to GRANT Dr. Carr's modification request. 3(b) will be changed to "Respondent shall not practice medicine anywhere other than Wound Professionals, LLC." All other terms and conditions remain the same.

Allen/Masten, 5/0/0  
Motion carries

**Ashwani Duggal, M.D., License No. 01047610A, Cause No. 2010 MLB 0006**

Respondent did appear in person and was represented by counsel, Douglas Abrams regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included RENEWAL & INDEFINITE PROBATION for at least two (2) years with terms and conditions.

After reviewing the settlement agreement, the Board was not comfortable approving and requested that the parties work on the agreement, taking what the Board stated into consideration. This matter was CONTINUED until later in the day.



## CONSENSUS

The Board reconvened this matter at approximately 11:00 a.m.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION, may not practice in Indiana for a period of six (6) months and a \$1,000 FINE.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Smirz/Vennekotter, 5/0/0  
Motion carries

### **Mark Robin Geier, M.D., License No. 01065921A, Cause No. 2011 MLB 0022**

Respondent did not appear in person and was not represented by counsel regarding a Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

After taking the file into consideration, the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Allen/Masten, 4/0/0  
Motion carries

### **Thomas Owen Genese, M.D., License No. 01065347A, Cause No. 2011 MLB 0029**

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing and Application for Renewal of Medical License scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

In September 2009, the Oregon Board took action against Dr. Genese's medical license after having falsifying his application. He signed an agreement with the

Oregon Board to withdraw his application and never apply again and they also issued a letter of reprimand.

New York followed suit with a letter of reprimand and a \$10,000 fine.

Pennsylvania also followed suit with a letter of reprimand.

After discussion, the Board found the Respondent to be in violation of count 1.

Allen/Smirz, 5/0/0  
Motion carries

After further discussion, the Board found the Respondent to be in violation of count 2.

Vennekotter/Smirz, 5/0/0  
Motion carries

After further discussion, the Board found the Respondent to be in violation of count 3.

Allen/Smirz, 5/0/0  
Motion carries

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to issue a LETTER OF REPRIMAND and a \$1,500 FINE payable within thirty (30) days.

Vennekotter/Allen, 5/0/0  
Motion carries

**Jay Andrew Hockman, M.D., License No. 01050894A, Cause No. 2011 MLB 0027**

Respondent did appear in person and was represented by counsel, Robert Saint regarding a Disciplinary Hearing and Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION and a FINE with terms and conditions.

After reviewing the settlement agreement and taking their file into consideration, the Board moved to ACCEPT the settlement agreement.

Smirz/Vennekotter, 5/0/0  
Motion carries

The Board further moved to set the FINE at \$1,000 payable within six (6) months.

Allen/Masten, 5/0/0  
Motion carries

**Paul J. O'Brien, D.O., License No. 02002928A, Cause No. 2009 MLB 0003**

Respondent did not appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

Since this is a request by the Respondent and he did not appear, the Board moved to DENY his request for Withdrawal of Probation.

Allen/Smirz, 5/0/0  
Motion carries

The Respondent arrived at 10:35 a.m. and apologized that he was not timely.

The Board moved to reinstate his motion to withdraw his order of probation.

Masten/Allen, 5/0/0  
Motion carries

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

Candace Backer, ISMA was sworn in as a witness for the Respondent.

Ms. Backer testified that Dr. O'Brien is in compliance and that ISMA does not object to his request to withdraw the order of probation.

He has been completed the terms of his criminal probation.

After having considered the evidence presented, testimony of the witness and taking its file into consideration, the Board moved to WITHDRAW the Order of Probation.

Allen/Masten, 5/0/0  
Motion carries

**John Reynolds, M.D., License No. 01023979A, Cause No. 2010 MLB 0012**

Respondent did appear in person and was represented by counsel, Barclay Wong regarding a Disciplinary Hearing and Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION with terms and conditions.

After reviewing the agreement, the Board had questions regarding page six (6) paragraph seven (7). The Board discussed the issue with the Respondent, his counsel and the Attorney General's Office.

The Board moved to CONTINUE this matter for ten (10) minutes to give the Respondent, his counsel and the Attorney General's Office time to take into consideration the Board's comments and to come up with a possible new settlement agreement.

**CONSENSUS**

The Board reconvened this matter at 10:30 a.m.

A revised settlement agreement was presented to the Board for their review. The settlement agreement included INDEFINITE SUSPENSION with terms and conditions and a FINE.

After reviewing the revised settlement agreement and taking its file into consideration, the Board moved to ACCEPT the settlement agreement.

Allen/Vennekotter, 5/0/0  
Motion carries

The Board further moved to set the FINE at \$1,000 payable within ninety (90) days.

Smirz/Allen, 5/0/0  
Motion carries

**Niles David Schwartz, M.D., License No. 01056026A, Cause No. 2011 MLB 0023**

Respondent did appear in person and was represented by counsel, Gary Johnson regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement imposed a FINE.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the settlement agreement.

Vennekotter/Allen, 4/0/0  
Motion carries

The Board further moved to set the FINE at \$500, payable within ninety (90) days.

Allen/Vennekotter, 4/0/0  
Motion carries

**Kathleen Anne Whaley, M.D., License No. 01040411A, Cause No. 2011 MLB 0044**

Respondent did appear in person and was represented by counsel, Samuel Bolinger regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Kirk Masten, D.O., Lynda Smirz, M.D.

A settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement imposed an INDEFINITE SUMMARY SUSPENSION.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to ACCEPT the settlement agreement.

Smirz/Masten, 5/0/0  
Motion carries

### **DISCUSSION ITEMS**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Kirk Masten, D.O., Donald Vennekotter, M.D.

Thomas Shealy, M.D., License No. 01028513A – Dr. Shealy requested, by letter, to have his license placed on retired status. Dr. Shealy is currently on probation with the Board, but has retired from active practice due to health reasons.

After discussion the Board moved to ALLOW Dr. Shealy to retire his license with the understanding that should he request to come out of retirement status, his probation terms will be reinstated and he must establish competency.

Vennekotter/Masten, 4/0/0  
Motion carries

Report from the Office of the Attorney General regarding status of consumer complaints –Gabrielle Owens, Deputy Director of Licensing Enforcement appeared before the Board regarding this matter.

Ms. Owens informed the Board that they have established procedures to process consumer complaints faster. These measures include:

- Identify areas that do not need to go to the Board designee
- The Board designee will be emailed the synopsis and physician's response at the beginning of the process
- They will no longer wait for certified copies on out of state discipline
- The Board designee waived review of the complaints that have an arrest, criminal conviction and/or out of state discipline.
- Will process complaints within a six (6) month period
- Will give their staff a priority list for complaints
- Will work with the Board designee on emergency suspensions
- Will notify IPLA staff of closed complaints

- Will give priority to those consumer complaints filed by medical board staff
- Deputy Attorney Generals will determine compliance of a physician requesting to withdraw the order of probation.

Their current staffing is:

Michael Minglin – Senior Deputy Attorney General  
 Amber Swartzell – Deputy Attorney General  
 Jason Gross – Deputy Attorney General  
 New Deputy Attorney General starting this coming Monday  
 Currently have two (2) analysts and will be adding two (2) more in the near future

The board thanked Ms. Owens for her report.

Correspondence from St. Catherine Hospital RE: Mansour Al Shobaki, M.D.  
 Dr. Al Shobaki was licensed based on waiver requirements. One of the requirements was a three (3) year employment contract with St. Catherine Hospital working in underserved areas. The letter from St. Catherine indicated that Dr. Al Shobaki has not fulfilled this agreement as he resigned his position June 23, 2011.

After discussion the Board requested that Dr. Al Shobaki be set for a personal appearance.

CONSENSUS  
 Motion carries

Correspondence from Geri Dharma Defrese, D.O. Re: Request to revise minutes: After reviewing Dr. Defrese's request to revise the May 26, 2011 minutes, the Board moved to DENY her request for modification.

CONSENSUS  
 Motion carries

### **REVIEW OF INITIAL/RENEWAL APPLICATIONS**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Donald Vennekotter., M.D., Kirk Masten, D.O.

The Board reviewed the positive response information on the following applicants/renewals and approved them for licensure: CONSENSUS

Michael Yuz, M.D., 01058030A  
 Zahid Hasan, M.D., Initial App  
 Linda Han, M.D., Initial App

Debra McKenzie, M.D., 01046734A  
 Kalee Salvato, M.D., Initial App

The Board reviewed the positive response information on the following applicants/renewals and requested them to appear before the Board:  
CONSENSUS

Mark Fiedler, M.D., 01030699A

Tassawar Hussain, M.D., Initial App

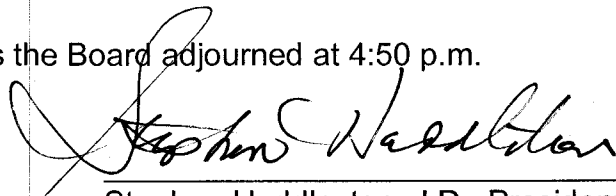
**PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS**

The Board reviewed and approved the following physician assistant prescriptive authority applications: Vennekotter/Master, 4/0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Kirk Masten, D.O., Robert Allen, M.D., Donald Vennekotter, M.D.

Daniel Strum, P.A., 10001288A  
Briana Aspy, P.A., Initial App  
Laura Hoots, P.A., 10001196A  
Jack Bonham, P.A., 10001193A  
John Hillenburg, P.A., 10001196A  
Todd Drayer, P.A., Initial App  
Christine Reichart, P.A., 10001179A  
James Chapman, P.A., 10000045A  
Kacy Head, P.A., 10001167A  
Claude Herman, P.A., 10001289A

There being no further business the Board adjourned at 4:50 p.m.



Stephen Huddleston, J.D., President

Donald Vennekotter, D.O., Secretary